

Atty. Dkt. No. 035451-0196 (3574.Palm.Con1)
f/k/a 035451-0109A

REMARKS

Applicants respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 28-30 have been amended. No new matter is added.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

In Section 2 of the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. § 102(e) as being anticipated by Miramontes (U.S. Patent Application Publication No. 2002/0072395). The Examiner stated:

Miramontes teaches a handheld electronic communication device 1, Figs. 1-7, comprising: a housing 2 supporting a display 3; a first platform (fixed portion) integrated into the housing 2 and supporting a first subset of a full set of alphabetic keys of a QWERTY keyboard; a second platform (folding section) supporting a second subset of a full set of alphabetic keys of a QWERTY keyboard, wherein said subsets of keys are symmetrical, and said second platform is connected to said first platform by a hinge; and navigation/activation buttons 4, which remain exposed (not concealed from a view) when said second platform is in a first (closed) position. Miramontes also teaches that said communication device can be used phone, PDA, Notebook, messaging (E-mailing) device, etc. Regarding to the claims 15-26: The method steps are obviously necessitated by the device structure as it is disclosed by Miramontes.

Applicants respectfully traverse these rejections. All of the rejections rely on the use of Miramontes. However, the Applicants submit that Miramontes is unavailable as a prior art reference against claims 1-30 of the present application.

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A declaration by the inventor of the subject matter recited in independent claims 1, 15, and 27 pursuant to 37 CFR § 1.131 has been provided herewith which provides evidence that the subject matter recited in claims 1-30 was invented prior to the filing of provisional application No. 60/265,667 filed on February 02, 2001 from which Miramontes claims priority. Applicants assert that the provisional filing date of application No. 60/251,763 of December 08, 2000 is inapplicable as it does not disclose the subject matter of claims 1-30.

The declaration establishes that the subject matter recited in claims 1, 15, and 27 was conceived at least by December 18, 2000. Attachments to the declaration include various information that establishes that the subject matter recited in claims 1, 15, and 27 was conceived by the inventor at least by December 18, 2000, which is before the February 2, 2001 filing date of provisional Application No. 60/265,667.

Accordingly, the Applicants submit that Miramontes is unavailable as a prior art reference against claims 1, 15, and 27 of the present application, and therefore respectfully request that rejection of claims 1-30 be withdrawn.

* * * * *

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers

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submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and
authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date June 02, 2005

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